

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUN 09 2015

Clerk, U S District Court
District Of Montana
Billings

JACKSON BRYANT BAUGUS,

Plaintiff,

vs.

CV 15-24-BLG-SPW

ORDER

MARK WERNER, Attorney at Law;
ROBERT STEVENS, Jr., Attorney at
Law; MARK T. ERREBO, Attorney at
Law; BRYAN B. NORCROSS,
Attorney at Law; JAMES E.
BOLAND, Attorney at Law; JAMES
SEYKORA, Attorney at Law; and
OTHER UNNAMED JOHN DOES,

Defendants.

In this action, Plaintiff Jackson Baugus brings claims against several attorneys. Baugus alleges that the attorneys deprived him of due process of law by failing to prevent the seizure of his cash and property. United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations on May 14, 2015, in which she recommended that this Court dismiss Baugus's Complaint based upon the issue preclusion doctrine, Baugus's failure to file the Complaint within the applicable statute of limitations, and his failure to name a proper party defendant.

Pursuant to 28 U.S.C. § 636(b)(1), Baugus had 14 days to file written objections after Judge Ostby's Findings and Recommendations were filed. No

objections were filed. When neither party objects, this Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL.


2. The Complaint (Doc. 1) is DISMISSED.

3. The Clerk of Court is directed to close this matter and enter judgement pursuant to Rule 58 of the Federal Rules of Civil Procedure.

4. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

5. The Clerk of Court shall have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

DATED this 9th day of June, 2015.


SUSAN P. WATTERS
United States District Judge